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October 18, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, NW
Washington, DC 20554



Re: *Petition of DSC Communications Corporation for Amendment of the Commission's Rules for Allocation of Radio Spectrum in the 2 GHz Band for the Provision of Wireless Fixed Access Local Loop Services — RM No. 8837*

Dear Mr. Caton:

I am writing on behalf of The Wireless Cable Association International, Inc. ("WCA") in response to the Motion to Accept Late Filed Pleading and Reply Comments recently filed by DSC Communications Corporation ("DSC") in the above-referenced matter. While WCA does not oppose acceptance of DSC's untimely submission, WCA must correct several misstatements contained therein.

In its August 12, 1996 Partial Opposition to Petition for Reconsideration, WCA established that DSC's Petition for Rulemaking had failed to demonstrate how wireless fixed access local loop could be implemented on certain of the bands proposed by DSC without causing interference to wireless cable. *See* WCA Partial Opposition, at 4-8. In the interest of brevity, I will refrain from repeating that argument. However, WCA is compelled to respond to certain of the specific arguments DSC advances in an attempt to rehabilitate its Petition.[1/] While DSC tries to respond to WCA, DSC's response is wanting in two significant respects.

First, DSC is simply wrong in suggesting that the appropriate interference protection ratios to be applied when analyzing for potential interference to wireless cable are those set forth at Sections 21.902 and 74.903 of the Commission's Rules, which generally require that an

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[1/]It is worth noting that DSC has not even attempted to respond at all to WCA's demonstration that DSC's planned use of the 2160-2162 MHz band would cause cochannel interference to existing MDS Channel 2 stations operating at 2156-2162 MHz.

applicant demonstrate that as a result of the proposed facility the desired-to-undesired ("D/U") signal ratio will not exceed 45 dB cochannel or 0 dB adjacent channel at any location within the protected service area of nearby MDS and ITFS stations. In a recent *Declaratory Ruling and Order,* the Commission reviewed voluminous technical data submitted by WCA and others and found that it could apply the 45 dB and 0 dB D/U ratios initially adopted for use where the undesired signal was an analog NTSC signal where the undesired signal is VSB or QAM, with densities up to 8-VSB or 64-QAM. [2/] *However, because of the lack of definitive test data, the Commission refused to adopt interim policies governing CDMA or other modulation techniques. Rather, the Commission indicated in no uncertain terms that the burden is on the proponent of any new modulation scheme to demonstrate that it will provide interference protection equivalent to that afforded under the current rules.*[3/]. Because DSC is proposing to use CDMA modulation, some D/U ratios other than 45 dB and 0 dB may be required in order to provide the equivalent of the 45 dB and 0 dB standards. As WCA noted in its initial comments, the burden is on DSC to establish through testing that its CDMA proposed service will provide interference protection equivalent to that afforded under the current 45 dB and 0 dB rules, even if that means providing greater D/U ratios. DSC has not carried that burden.

Second, DSC's comparison of the EIRP of its proposed service to the EIRPs at which wireless cable operates misses the boat. At the outset, it is worth noting that while DSC states that its service will operate "on the order of 800 milliwatts," the proposed rules that accompanied DSC's Petition did not limit wireless local loop transmit power at all. More importantly, the issue is not relative transmission powers, it is relative received signal levels (*i.e.* the power of the desired signal relative to the power of the undesired signal, measured at the receive antenna). Since wireless local loop transmitters will be distributed at numerous sites throughout a market, it is certainly possible that they will cause adjacent channel interference to wireless cable even though they operate at relatively low power. This is so because local loop transmitters will often be located far closer to a wireless cable receiver than the wireless cable transmitter, resulting in a relatively high undesired signal level at reception antennas. To cite just one example, if DSC transmits at 800 milliwatts directly towards an MDS receiver that is located one half mile away and that MDS receiver is thirty miles from its MDS station, interference to MDS reception is likely to result even if the MDS station is operating at maximum power. Thus, DSC's discussion of relative EIRPs is of no relevance, and its reliance on the low power of its transmitters as a

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[2/] *Request For Declaratory Ruling on the Use of Digital Modulation by Multipoint Distribution Service and Instructional Television Fixed Service Stations*, Order, FCC 96-304 (rel. July 10, 1996)[hereinafter cited as "*Digital Declaratory Ruling*"]

[3/] *See Digital Declaratory Ruling*, at ¶¶ 12, 14-1, 45-46.

mechanism for avoiding interference is misplaced.

In short, DSC has yet to establish how its proposed service can utilize the same channels as wireless cable or adjacent channels without jeopardizing wireless cable reception. Should you require any additional information regarding WCA's position on DSC's Petition, please contact the undersigned.

Respectfully submitted,

Paul J. Sinderbrand

Counsel to The Wireless Cable
Association International, Inc.

cc: James L. Donald
Randall B. Lowe